

BURLESON POLICE DEPARTMENT

SEARCH WARRANT AFFIDAVIT

THE STATE OF TEXAS *

Warrant# 413-L-29-2022C

COUNTY OF JOHNSON*

I, RONALD MARTIN, THE UNDERSIGNED AFFIANT, BEING A PEACE OFFICER UNDER THE LAWS OF TEXAS AS DEFINED BY THE TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 2.12 (3) AND BEING DULY SWORN, ON OATH MAKES THE FOLLOWING STATEMENTS AND ACCUSATION:

1) THERE IS IN JOHNSON COUNTY, TEXAS A LOCATION; HEREAFTER, CALLED "SUSPECTED VEHICLE" DESCRIBED AND LOCATED AS FOLLOWS:

A Blue 2022 Chevrolet Corvette bearing Texas License Plate RFN3909, VIN 1G1YC2D41N5109850. The vehicle is blue in color. The suspected vehicle was located at 900-Block of Jacobs Crossing Ct, Burleson, Johnson County, Texas, within the jurisdiction of the District courts of Johnson County. The vehicle was seized and brought to the City of Burleson Service Center, 725 SE John Jones Dr, Burleson, Johnson County, Texas for evidence processing.



2) SAID SUSPECTED VEHICLE WAS BELIEVED TO HAVE BEEN IN CARE AND CONTROLLED BY EACH OF THE FOLLOWING NAMED PARTIES DURING THE COMMISSION OF THE OFFENSE; HEREAFTER, CALLED "SUSPECTED PARTY" WHETHER ONE OR MORE TO WIT:

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David Allen Devaney JR W/M [REDACTED]

3) IT IS THE BELIEF OF AFFIANT, AND AFFIANT HEREBY CHARGES AND ACCUSES THAT SAID SUSPECTED PARTY HAS POSSESSION OF AND IS CONCEALING AT SUSPECTED VEHICLE IN VIOLATION OF THE LAWS OF TEXAS THE FOLLOWING DESCRIBED PERSONAL PROPERTY, TO WIT:

- A) Implements or instruments used in the commission of a crime in accordance with the Texas Code of Criminal Procedure article 18.02 section (a)(9); specifically, the Crime of Murder, which is a violation of the Texas Penal Code, 19.02 (C), a 1ST Degree Felony, the Crime of Engaging in Organized Criminal Activity to Wit: Man Del CS PG 1 <400G, Aggravated Robbery and Aggravated Assault, which are violations of the Texas Penal Code, 71.02(A)(5), 71.02(A)(1) respectively, 1ST Degree Felonies.
- B) Implements or instruments used in the commission of a crime in accordance with the Texas Code of Criminal Procedure article 18.02 section (a)(9); specifically, A Blue 2022 Chevrolet Corvette bearing Texas License Plate RFN3909, VIN 1G1YC2D41N5109850, including any and all contents and evidence contained in the vehicle which could have been used in the commission of an offense, specifically, the Crime of Murder, which is a violation of the Texas Penal Code, 19.02 (C), a 1ST Degree Felony, the Crime of Engaging in Organized Criminal Activity to Wit: Man Del CS PG 1 <400G, Aggravated Robbery and Aggravated Assault, which are violations of the Texas Penal Code, 71.02(A)(5), 71.02(A)(1) respectively, 1ST Degree Felonies.
 - a. Property or items, except the personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense, in accordance with the Texas Code of Criminal Procedure article 18.02 section (a)(10); specifically, firearms, ammunition, which is believed to support evidence of Murder, which is a violation of the Texas Penal Code, 19.02 (C), a 1ST Degree Felony, the Crime of Engaging in Organized Criminal Activity to Wit: Man Del CS PG 1 <400G, Aggravated Robbery and Aggravated Assault, which are violations of the Texas Penal Code, 71.02(A)(5), 71.02(A)(1) respectively, 1ST Degree Felonies.
 - b. Cellular telephones or other wireless communications devices and electronics, in accordance with the Texas Code of Criminal Procedure article 18.02 section (a)(14); specifically, devices which is believed to contain evidence of Murder, which is a violation of the Texas Penal Code, 19.02 (C), a 1ST Degree Felony, the Crime of Engaging in Organized Criminal Activity to Wit: Man Del CS PG 1 <400G, Aggravated Robbery and Aggravated Assault, which are violations of the Texas Penal Code, 71.02(A)(5), 71.02(A)(1) respectively, 1ST Degree Felonies.

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- c. Implements or instruments used in the commission of a crime in accordance with the Texas Code of Criminal Procedure article 18.02 section (a)(9); specifically, illegal narcotics, and drug paraphernalia which could have been used in the commission of an offense.

4) AFFIANT HAS PROBABLE CAUSE FOR THE SAID BELIEF BY REASON OF THE FOLLOWING FACTS, TO WIT:

Your affiant is a peace officer under the laws of the State of Texas as defined by the Texas Code of Criminal Procedure Article 2.12(3). Affiant received a Bachelor of Arts Degree in Russian from Baylor University in 2011 and served in the Army National Guard for four years from 2011 to 2014. Affiant has worked at the Burleson Police Department since 2014. Affiant was certified as a police officer in 2015. Affiant has served in the capacity of a Mental Health Peace Officer, has worked on evening shift patrol for three years and has an Advanced Peace Officer's license. Affiant has been assigned as a Detective in the Criminal Investigations Section since December 2018.

A) My personal investigation of the facts and circumstances of the offense,

1. On 06/24/2022 at approximately 1758 hours, Officers were dispatched to the 400 Block of NE Wilshire Blvd, Burleson, Johnson County, Texas, in reference to a shooting. Dispatch received multiple calls regarding a possible road rage incident involving a White 2018 Chevrolet Malibu bearing Texas License Plates RJB1221, VIN 1G1ZD5ST7JF137251 and an unknown Black four door sedan.
2. Upon arrival, Officers located the White Malibu in the 400 Block of NE Wilshire Blvd in the South bound lanes prior to the intersection of NE Wilshire Blvd and NW Hillery St unoccupied facing southwest bound. The White Malibu displayed recent damage and possible gunshot impacts on the exterior.
3. North of this location, Officers located a Silver 2017 BMW X5 in the culvert adjacent to 500 NE Wilshire Blvd. Officers observed a hole in the front windshield of this vehicle consistent with damage from a gunshot impact. Officers also located a deceased subject in the driver's seat with a possible gunshot wound to the front of the head.
4. After speaking to several witnesses and based on the information from the 911 calls, Officers were advised of the following series of events:
5. The White Malibu was driving south west bound on NE Wilshire Blvd after taking the I35W Highway Exit for NE Wilshire Blvd.
6. The Unknown Black four door sedan followed this vehicle. Both Vehicles stopped at the intersection of NE Wilshire Blvd and NW Hillery St.

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7. Witnesses observed the front passenger of the Black Camry exit the vehicle and discharge a firearm in the direction of the White Malibu.
8. The White Malibu then turned left heading southeast bound on NW Hillery St and the Unknown Black four door sedan followed this vehicle.
9. Witnesses observed the White Malibu in the 400 Block of NE Wilshire Blvd in the South bound lanes and the occupants exited the vehicle and jumped into the bed of a passing pickup truck.
10. Officers located these subjects at Auto Nation Ford, located at 850 N Burleson Blvd, Burleson, Tarrant County, Texas. Identified as Gustavo Hernandez W/M [REDACTED] and Francisco Mejia U/M [REDACTED] with a gunshot wound to his leg.
11. I spoke to several witnesses, who advised they observed the White Malibu being followed by the Black Camry off I35W Highway Southbound towards the southbound exit for NE Wilshire Blvd.
12. Witness advised the White Malibu stopped in the roadway in the approximate area of the 500 NE Wilshire Blvd on the entrance ramp to NE Wilshire Blvd due to being cut off by a black truck pulling a trailer, later identified as a Black 2018 Dodge RAM SLT, bearing Texas License Plate PNL7899. I was advised Black Camry stopped as well and the front passenger exited the vehicle, approached the White Malibu and began discharging a firearm in the direction of the white Malibu in a southern direction.
13. Based upon further investigation by officers, The Silver BMW was in the care and custody of Kathryn Bryan who was not involved in the illegal narcotics transaction. This vehicle appeared to be traveling northeast bound in the approximate area of 500 NE Wilshire Blvd and appeared to be in transit to the north and directly across from the area witnesses observed the passenger of the Black Camry discharging a firearm in the direction of the white Malibu.
14. During an interview with Gustavo, who was read his Miranda Rights and chose to waive them, he advised Detectives he and Francisco were meeting subjects at the Burleson Lowe's location (located at 920 N Burleson Blvd, Burleson, Tarrant County, Texas) for the purpose of attempting to purchase illegal narcotics. He advised he and Francisco came from the Mission Texas area. He advised they had made a deal to purchase approximately two to three kilos of Cocaine, a Penalty Group 1

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Substance as listed in the Texas Health and Safety Code, for \$20,000.

15. Gustavo advised Francisco was communicating with these subjects with his cellular device. Gustavo advised Francisco was in contact with an unknown female subject who was an associate of the subjects they were meeting in the Lowe's parking lot. He advised they intended to use fake money to purchase the Cocaine. Gustavo advised Francisco attempted to discard the fake money from the Malibu during the incident. It should be noted this fake money was located in the vicinity of the White Malibu.
16. Gustavo advised there were two subjects occupying the Black Camry and another unknown subject was driving a dark colored truck. Gustavo also said there was a third vehicle, a Black Truck pulling a trailer.
17. The Detectives made contact with Francisco, who was read his Miranda Rights and chose to waive them, and confirmed Gustavo's series of events. He advised he and Gustavo came from the Mission Texas area to purchase two to three kilos of Cocaine with fake money.
18. Based on the description of the Black Camry involved, it resembled a Toyota Camry TRD model. Investigators with the Johnson County STOP Taskforce contacted the local Toyota dealer who advised approximately 100 of the TRD type vehicles had been sold in the DFW area.
19. Commander Sparks advised he had cameras set up on a known drug dealer's residence who owned a Black Toyota TRD. He identified this subject as David Allen Devaney SR.
20. During the investigation, officers with the Burleson Strategic Response team located a Black Toyota Camry registered to a David Allen Devaney at the Hampton Inn in Burleson, in vicinity of the location of the illegal narcotics deal.
21. Detectives conducted a Photo Array with Francisco who positively identified the SUSPECTED PARTY as a subject who discharged a firearm in his and Gustavo's direction.
22. Francisco corroborated the Gustavo's statements about three vehicles being involved.
23. Due to this, Investigators with the STOP Task Force and the Burleson Strategic Response Team began efforts to locate both the SUSPECTED PARTY and David Allen Devaney SR due to their possible involvement in this incident.
24. The Honorable Judge William Bosworth of the 413th District Court of Johnson County signed two arrest warrants for

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Aggravated Assault With a Deadly Weapon for the SUSPECTED PARTY in reference to this case.

25. On 06/25/2022, Investigators with the STOP Task Force and the Burleson Strategic Response Team located David Allen Devaney SR in the company of a Cory Litts W/M [REDACTED] David Allen Devaney SR was located walking out of the Hampton Inn located at 13251 Jake Ct, Fort Worth, Tarrant, Texas. Investigators made contact with these subjects who were detained and both subjects were found to be in possession of illegal narcotics and each possessed a firearm.
26. As Officers were speaking to David Allen Devaney SR, he advised he wanted to speak to a female subject but did not say her name. Hotel Staff confirmed both subjects had previously been staying on premises in room #202 and the room reservation was under a female subject's name. They advised a female subject called their front desk before officer arrival and advised her boyfriend, David Allen Devaney SR, needed to make entry into room #202.
27. David Allen Devaney SR also advised he wanted to file a report for his vehicle being stolen. David Allen Devaney SR advised it was a Black Toyota Camry.
28. Officers sighted A Blue 2022 Chevrolet Corvette bearing Texas License Plate RFN3909, being driven by the SUSPECTED PARTY. A brief pursuit occurred and the SUSPECTED PARTY exited this vehicle in the 900-Block of Jacobs Crossing Ct, Burleson, Johnson County, Texas. The SUSPECTED PARTY was taken into custody on the warrants related to this case.
29. The SUSPECTED VEHICLE was seized as evidence and transported to the City of Burleson Service Center, located at 725 SE John Jones Dr, Burleson, Johnson County, Texas.
30. Detectives spoke to the SUSPECTED PARTY, who was read his Miranda Rights and chose to waive them. The SUSPECTED PARTY advised he observed David Allen Devaney SR, his father, meet with the occupants of the White Malibu. He advised David Allen Devaney SR at the time was wearing a blonde colored wig. The SUSPECTED PARTY advised the front passenger of the Black Camry was a David Matthew Dever W/M [REDACTED].
31. The SUSPECTED PARTY advised he was acting as security as the deal David Allen Devaney SR had set up for the sale of illegal narcotics.
32. The SUSPECTED PARTY advised David Allen Devaney SR was driving a Black Toyota Camry during this incident. The SUSPECTED PARTY advised he was present for the incident when David Allen Devaney SR was meeting with the occupants of the White Malibu and he was occupying a Black 2021 Dodge Ram bearing Texas License Plate PZS0389. The SUSPECTED PARTY also advised there was another

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- subject in a Black Truck pulling a trailer in their party when meeting with the occupants of the White Malibu. The SUSPECTED PARTY advised all three vehicles attempted to pursue the White Malibu when it fled the Lowe's parking lot after the transaction occurred.
33. The SUSPECTED PARTY advised he believed the driver of the black truck pulling a trailer was an associate of David Matthew Dever's, later identified as Clint Dunlap W/M [REDACTED].
34. The SUSPECTED PARTY advised David Allen Devaney SR, David Matthew Dever, and Clint were all discharging firearms at the direction of the White Malibu while they were pursuing it.
35. The Hampton Inn located at 13251 Jake Ct, contacted Officers and advised they had located a blonde colored wig in the parking lot.
36. Officers located a Black 2021 Toyota Camry bearing Texas License Plate #PLD8843 which shows to be registered to a David Allen Devaney. This vehicle was located at 2608 Timber Rd, Burleson, Johnson County, Texas. Officers made contact with Micki Seay [REDACTED] and a Benny Balboa W/M [REDACTED] who advised David Allen Devaney SR contacted them on 06/24/2022 about purchasing the Black Toyota Camry for \$4000, which is valued over \$40,000.
37. Detectives were provided exterior surveillance footage of the Lowe's Parking lot just prior to the incident. The footage displays three vehicles, a Black Sedan, a Black Truck and a Black Truck with a trailer driving at an accelerated rate of speed heading towards the direction of N Burleson Blvd. This corroborates the SUSPECTED PARTY statements about the driving behavior he described.
38. The Honorable Judge William Bosworth of the 413th District Court of Johnson County signed two arrest warrants for Aggravated Assault With a Deadly Weapon for David Matthew Dever in reference to this case. Officers later located and took David Matthew Dever into custody for these charges related to this case.
39. Detectives interviewed David Matthew Dever, who was read his Miranda Rights and chose to waive them. He advised Clint, had care, custody and control of his Black Truck with Trailer on 06/24/2022 and was one of his employees.
40. David Matthew Dever advised the SUSPECTED PARTY contacted him about acting as security regarding a deal for the sale of illegal narcotics. He advised they were planning on using rolled up towels to fake the Cocaine packaging and they planned to rob the occupants of the white Malibu of their money for this transaction.

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41. David Matthew Dever advised he met with the SUSPECTED PARTY and David Allen Devaney SR at the Burleson Lowe's location. He further advised Clint was also present and was driving his Black Dodge Ram SLT with trailer. He advised he was to sit in the Black Camry in the passenger seat and catch a bag being thrown by the occupants of the White Malibu.
42. David Matthew Dever advised they met with two occupants of a White Vehicle and advised they fled the Lowe's parking lot area after the deal went bad due to fake money and fake narcotics being presented by the subjects involved in the transaction. He advised he was in a vehicle with David Allen Devaney SR who was wearing a blonde wig.
43. David Matthew Dever advised the SUSPECTED PARTY, David Allen Devaney SR, and Clint were discharging firearms in the direction of the White Malibu.
44. David Matthew Dever advised as they attempted to pursue the White vehicle, the SUSPECTED PARTY attempted to block the White vehicle path on the roadway in his vehicle and Clint attempted to block their path while driving the Black Dodge Ram SLT with trailer.
45. This statement correlates what witnesses observed about the Black Dodge Ram SLT with Trailer blocking the path of the White Vehicle causing it to stop on the roadway.
46. Detectives interviewed Clint, who was read his Miranda Rights and chose to waive them. He advised he told by David Matthew Dever they were acting as security for a deal. He advised he and the other three subjects were discharging firearms in the direction of the White Malibu.
47. The Honorable Judge William Bosworth of the 413th District Court of Johnson County signed a search warrant for the Black 2021 Toyota Camry bearing Texas License Plate #PLD8843. Upon execution of this warrant, officers located two bullet casings of different calibers: 9MM and .40 Cal.
48. Detectives located footage from the Quik Trip Gas Station located at 12345 South Fwy, Fort Worth, Tarrant County, Texas, which confirmed the SUSPECTED PARTY was the driver of the Black Dodge Ram Lone Star, Clint was the driver of David Matthew Dever's Black Dodge Ram SLT with trailer, David Allen Devaney SR was the driver of the Black Camry and David Matthew Dever was the front passenger of the Black Camry. These subjects parked these vehicles under the cameras at this location approximately 14 minutes after the incident occurred.
49. It should be noted, the SUSPECTED PARTY advised the other three subjects discharged a firearm during the commission of

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this offense. David Matthew Dever advised the other three discharged a firearm during the commission of this offense and Clint advised all four subjects discharged a firearm during the commission of this offense.

50. Your Affiant has worked numerous investigations involving illegal narcotic transactions involving fraudulent, counterfeit or prop money attempting to be passed during the course of the transaction. Based Your Affiant's training and experience said transactions may escalate to shootings or homicides.

51. Your Affiant believes, based the SUSPECTED PARTY's statements as being a party to the offense, the SUSPECTED PARTY attempting to evade officers with the SUSPECTED VEHICLE, a reasonable prudent person would believe that evidence of the crime may still be inside the SUSPECTED VEHICLE.

WHEREFORE, AFFIANT ASKS FOR THE ISSUANCE OF A WARRANT THAT WILL AUTHORIZE THE SEIZURE OF SAID SUSPECTED VEHICLE WHEREVER IT MAY BE FOUND AND TRANSPORT THE SUSPECTED VEHICLE TO THE CITY OF BURLESON SERVICE CENTER, 725 SE JOHN JONES DR, BURLESON, JOHNSON COUNTY, TEXAS. AFFIANT ASK FOR SEARCH OF SAID SUSPECTED VEHICLE FOR PROPERTY AND SEIZURE OF THE SAME AND TO TAKE CUSTODY OF ALL SEIZED PROPERTY FOR THE SAFE KEEPING OF SUCH PROPERTY AS PROVIDED BY STATUTE.


AFFIANT-Ronald Martin

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID AFFIANT ON THIS THE 29TH DAY OF June, AD, 2022.


MAGISTRATE

